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UNEP REFORM IN THE CONTEXT OF UNITED NATIONS REFORM

Report of the Executive Director

Summary

1. The issues of the strengthening of UNEP and of its reform have been highlighted in several intergovernmental forums over the past year. This heightened consideration of the need to strengthen and equip the United Nations Environment Programme (UNEP), so as to ensure that it can effectively perform a new and refocused role in a new international context, five years on from the United Nations Conference on Environment and Development, dates back to the nineteenth session of the UNEP Governing Council, at which the Council adopted the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme and established a new governance structure for UNEP. The question of the role of UNEP was also addressed by the United Nations General Assembly at its special session in June 1997. The High-level Committee of Ministers and Officials met immediately after the special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21, and at that meeting underscored the importance it attached to the reform of UNEP. Finally, the report of the United Nations Secretary-General, "Renewing the United Nations: a programme for reform", (A/51/950) was issued in July 1997 and, inter alia, addressed the question of UNEP reform.

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2. The Bureau of the High-level Committee of Ministers and Officials, at its first meeting and in pursuance of the mandate provided to it by the Committee, has placed the question of UNEP reform on the agenda of the Committee, for its second session, to enable the Committee to make a contribution to the debate.

3. The present report addresses key issues, raised in various forums, which have an important bearing on the future of UNEP. A supplementary information paper containing a detailed review of the various issues relevant to UNEP reform is also available to the Committee (UNEP/HLC/2/INF/5), as well as an information paper addressing the implications to UNEP of the United Nations General Assembly special session (UNEP/HLC/2/INF/3). A number of recommendations are contained in the text of the paper for the attention of the Committee.

INTRODUCTION

4. At its meeting on 11 October 1997, in addressing the question of United Nations reform, the Bureau of the Committee agreed that the Nairobi Declaration should be the starting point of the Committee's discussion of UNEP reform. In adopting the Nairobi Declaration, the Governing Council was acting in response to the rapid global changes taking place and the increasing complexity and fragmentation of institutional responses to those changes, as well as to the essential need to strengthen and revitalize UNEP in order to assist the international community to reverse environmentally unsustainable trends. In accordance with the Nairobi Declaration, the role of UNEP is to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment.

5. The Council agreed on the following core elements of the focused mandate of UNEP:

(a) To analyse the state of the global environment and assess global and regional environmental trends, to provide policy advice, early warning information on environmental threats, and to catalyse and promote international cooperation and action, based on the best scientific and technical capabilities available;

(b) To further the development of its international environmental law, with a view to promoting sustainable development, including the development of coherent interlinkages among existing international environmental conventions;

(c) To advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principles and international agreements and to stimulate cooperative action to respond to emerging environmental challenges;

(d) To strengthen its role in the coordination of environmental activities in the United Nations system in the field of the environment, as well as its role as an implementing agency of the Global Environment Facility (GEF), based on its comparative advantage and scientific and technical expertise;

(e) To promote greater awareness and to facilitate effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda, and to serve as an effective link between the scientific community and policy makers at the national and international levels;

(f) To provide policy and advisory services in key areas of institution-building to Governments and other relevant institutions:

6. The Declaration also outlined the considerations underlying the improved governing structure, namely: UNEP should serve as the world forum for ministers and highest-level government officials in charge of environmental matters; that regionalization and decentralization through the involvement of regional, ministerial and other forums should be strengthened; and that the participation of major groups should be increased. The Council underscored the need for adequate, stable and predictable financial resources and the central importance of the Environment Fund as the principal source of financing for the implementation of the Environment Programme.

7. The Nairobi Declaration was presented to the Commission on Sustainable Development at its fifth session, as well as to the General Assembly at its special session in June 1997. The chapter of the final document of the special session dealing with international institutional arrangements is of particular relevance to the Committee's consideration of UNEP reform. The Assembly endorsed the Nairobi Declaration and the role of UNEP as the principal United Nations body in the field of the environment and took note of the new governance structure. Another important institutional outcome of the special session was the clear division of responsibility the Assembly saw between the Commission on Sustainable Development and UNEP, with UNEP continuing to provide the Commission on Sustainable Development with effective support, inter alia, in the form of scientific, technical and policy information, analysis and advice on global environmental issues.

8. The Assembly recognized the importance of the coherent implementation of international environmental law aiming at sustainable development and saw the role of UNEP, in conformity with Governing Council decisions and in cooperation with the relevant conferences of the parties, to provide, at the international and national level, inter alia, better scientific assessment of ecological linkages between conventions, identification of programmes that have multiple benefits, and enhanced public awareness-raising for the conventions.

9. The report of the Secretary-General on United Nations reform also contains a number of significant recommendations that the Committee may wish to consider. The report provided further evidence of the determination to strengthen and reform UNEP as the environmental voice of the United Nations system and the principal environmental organization, as confirmed by the Nairobi Declaration. The report places UNEP in the wider context of the

United Nations and notes the need for an integrated systemic approach to policies and programmes throughout the whole range of United Nations activities, through mainstreaming the organization's commitment to sustainable development, which would require closer cooperation between UNEP and the United Nations Centre for Human Settlements (UNCHS) (Habitat) and with other organizations.

10. The report notes that, in order to equip UNEP to play the role envisaged in the Nairobi Declaration, high priority must be accorded to vesting in UNEP the status, strength and access to resources which it requires to function effectively as the environmental agency of the world community. It also notes that the Secretary-General intends to lend his full support to the strengthening of the role of UNEP as the focal point for the harmonization and coordination of environment-related activities. The report further highlights the need to strengthen UNEP capacities in the areas of monitoring and assessment; its functions as the forum for the development of international policy, law and negotiation and as a bridge between science and policy-making; as well as its relationships with national environmental agencies. The Secretary-General will, in consultation with Governments and the executive heads of UNEP and Habitat, develop new measures for strengthening and restructuring the two organizations and make recommendations to the General Assembly at its fifty-third session. The policy statement of the Executive Director to the nineteenth session of the Governing Council of UNEP (UNEP/GC.19/29) outlined a number of characteristics of a strengthened UNEP that are germane to the issue and should be considered in this context.

11. The second meeting of the Committee thus provides an early and important opportunity to member Governments to begin to address the requirements for the strengthening and reform of UNEP leading to the fifty-third session of the Assembly.

I. INSTITUTIONAL ISSUES

12. Almost every major international forum in the recent past has manifested the concern with which Governments view the increasing fragmentation in the institutional response of the international community to pressing environmental threats. Within the United Nations system, new secretariats with specific and narrowly or sectorally defined roles have emerged with no corresponding institutional authority to provide cross-cutting coherence to these activities. At the same time, the years since the United Nations Conference on Environment and Development have seen a proliferation of new actors in the field of environment and their expanding participation in United Nations deliberations. This has meant that the increasing number of separately governed environmental organizations are competing for the same, limited amount of financing, resulting in a further dispersion of limited resources. The prospects for mainstreaming environment and development considerations throughout the United Nations system, or even coherence within the environmental sector, is thus a major challenge facing the international community. For this purpose, as evidenced by the various intergovernmental processes over the last year, the United Nations needs a strong, harmonious environmental voice to meet the challenges of the next century. The only organization able to perform this function is UNEP.

13. The global environmental agenda has grown beyond the capacities of a single agency, however. Even at the national level, environmentally sensitive issues related to other sectors may be covered by national agencies other than the environmental agency. At the international level, the articulation of a proactive environmental agenda by UNEP requires the participation of national and international governmental bodies as well as of key non-governmental actors, such us scientific institutions, the private sector, environmental grassroots organizations and the media. UNEP therefore needs to be driven by a core set of activities which will allow the development of a constructive and well defined role, which both complements and facilitates the work of numerous other organizations that have important environmental responsibilities.

14. This process in UNEP has already begun, with the adoption of the Nairobi Declaration that outlines six fundamental clusters of activities to be undertaken by UNEP (see the introduction, above). The challenge facing the High-Level Committee of Ministers and Officials is to commence the process of the operationalizing the focused mandate contained in the Nairobi Declaration.

15. The issue has also been addressed by the Secretary-General in his report, in which he notes the need to strengthen the role of UNEP as the focal point for the harmonization and coordination of environment-related activities. This is an integral aspect of the mandate of UNEP, as contained in General Assembly resolution 2997 (XXVII), but which must be implemented in a radically changed context. A key aspect of this role is its close link to the implementation of the numerous environmental agreements that have emerged over the past twenty years. International environmental agreements are dynamic in nature and require an implementation effort, based on a coherent and interlinked policy and scientific-assessment process, which are different to those of other more narrowly focused agreements.

16. An equally important issue concerns the coherence and coordination of environmental activities in the United Nations system. UNEP has a strong and long-standing mandate from Stockholm. Following UNCED, the United Nations Administrative Committee on Coordination (ACC) established the Inter-Agency Committee on Sustainable Development (IACSD) to coordinate the follow-up to United Nations Conference on Environment and Development. This body has worked effectively, through a task-manager system, in coordinating activities at the programme level in the programme areas of Agenda 21, as well as preparing integrated reports to the Commission on Sustainable Development. UNEP has been active in this context as a core member as well as a task-manager in several programme areas. The UNEP Inter-Agency Environment Coordination Group (IAEG) was established to coordinate a United Nations system-wide approach to policy issues and emerging issues in the field of the environment. Regular reports of the Governing Council to ACC are prepared through this mechanism. An important mechanism that could be utilized in this context is the proposed system-wide strategy in the field of the environment. A draft of the strategy was presented to the Governing Council at the nineteenth session and is currently being refined and further developed. The Committee may wish to recommend that the role of IAEG be enhanced and also that the strategy, when finalized in cooperation with all concerned United Nations organizations, be presented to governing bodies in the United Nations system as a policy-coordination, benchmark document.

17. UNEP is currently the only international organization that can potentially fulfil the numerous functions that are essential to the coherent implementation of the various agreements. The Committee may wish to address the question of how UNEP could be equipped to play such a role. One possibility may be to restructure the agenda of the Governing Council, in line with its policy coordination mandate, to contain a segment that would require mandatory reporting by UNEP in cooperation with the relevant entities, in line with the role of UNEP as delineated in the final document of the special session.

II. Programmatic issues

18. The six core areas of activity contained in the Nairobi Declaration provide a clear statement of the expectation of Governments for the future focus of the environment agenda. In this regard, the UNEP programme of work for the biennium 1998-1999 should be seen as a transitional programme linked to the operationalization of the Nairobi Declaration.

19. An important test over the next biennium will be the extent to which the essential mechanisms of implementation will move towards bringing the Nairobi Declaration to fruition. Important considerations in this regard relate to civil society, regionalization and the role of UNEP as an implementing agency of GEF.

20. First, the international community is increasingly recognizing the important contribution that civil society has to make to both the articulation of the international environmental agenda and its implementation. This has been highlighted in all the texts referred to in this report. UNEP has always maintained an exceptionally high level of involvement, in the implementation of its work programme, of civil society organizations, ranging from scientific institutions to grassroots Non-Governmental Organizations. Further consideration needs to be given, however, to a wider consultative process, both in the development of future work programme proposals as well as their implementation, with a more structured involvement of civil society. One way could be to encourage the wider involvement of civil society organizations in future sessions of the Governing Council.

21. The translation of the analytical and normative work of UNEP into action at the regional and national levels also requires further definition. UNEP acts as a convenor or participates in several regional environmental forums, including regular meetings of ministers of the environment. This, however, happens with a different intensity and frequency from region to region. The Committee may wish to give consideration to starting a process as part of its reform discussion, to arrive at a clear policy statement that would bring UNEP into a closer relationship with such regional forums. One possibility in this regard would be to restructure a future agenda of the Governing Council to include a segment that would receive the policy conclusions of regional ministerial forums, for consideration in the context of the UNEP work programme. Alternatively, as a first step, the respective chairs of such forums could be invited to make statements to the high-level segment of the Governing Council.

22. As much as coherence at the international level is a requirement for future institutional arrangements, coherence and coordination at the national level is a precondition for each country to achieve environmentally sustainable development. UNEP has, in the past, provided advisory services at the national level, upon request, which have been primarily of a technical or capacity building nature. This continues to be a priority task linked to the global mandate of UNEP and should be systematically addressed by the UNEP regional offices in keeping with the particular circumstances of each region.

23. Since the United Nations Conference on Environment and Development, the response to the needs of developing countries for new and additional financial resources has been very disappointing. Overall, official development assistance (ODA) levels have also declined. The only new financial mechanism that has emerged is GEF. As an implementing agency of GEF, UNEP has played an important role, not only in bringing its scientific and technical expertise to the table, but in undertaking important activities at the regional and national level that have served to give clearer definition to the GEF portfolio. The role of UNEP in GEF should be strengthened in accordance with Governing Council resolution 19/12. The Governing Council in its policy coordination role could in future review regularly the overall impact of GEF in addressing global environmental issues and the role played by UNEP.

24. Overall, in implementing the Environment Programme, the Environment Fund must remain the principal source of financing, as reaffirmed in the Nairobi Declaration. While the proliferation of trust funds allows for important activities to be carried out by UNEP, it also risks fragmenting the implementation of the Environment Programme. The Committee may wish to reaffirm that, in a reformed and restructured organization, Governments contributing to UNEP must recognize the need to address and finance the activities of the organization through the Environment Fund and the Environment Programme.

III. CONCLUSION

25. The second meeting of the High-level Committee of Ministers and Officials provides the first opportunity at which one of the governance mechanisms of UNEP can put formal views that could help shape the future reform of UNEP. The report of the Committee will also be provided to the GC at its forthcoming special session, to assist it in its deliberations on this matter.

26. In addition to the issues outlined in the foregoing text, the Committee may wish to address the manner in which the agenda of Governing Council sessions is organized and the extent to which the Council is equipped to meet current realities.

27. The Committee may also wish to take in consideration, the issues outlined in this report, as matters of concern in the future reform of UNEP and the strengthening of UNEP to enable it to play the role demanded of it by the international community, and to consider that the provision of adequate, stable and predictable financial resources is a sine qua non condition.

Suggested action by the High-level Committee of Ministers and Officials

28. The High-level Committee of Ministers and Officials may wish to request the Executive Director, on the basis of the debate undertaken by the Committee on this subject, to prepare a comprehensive report outlining the issues associated with UNEP reform, and the views of Governments, for presentation to the Governing Council at its forthcoming special session.